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| 10/788,487 | 03/01/2004 | Katsuya Kitamori | 1614.1389 | 7542 |
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| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER MURPHY, RHONDA L | |
| | | | ART UNIT 2616 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,487

Applicant(s)

KITAMORI ET AL.

Examiner

RHONDA MURPHY

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the amendment filed on 41/7/08.

Accordingly, claims 1-12 are currently pending in this application.

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. In claim 6, lines 3, 4, 7 and 9, it is unclear as to what "first pieces" and "second pieces" are referring to. Examiner requests clarification of these phrases.
5. In claim 12, lines 2,, 3, 6, 7 and 8, it is unclear as to what "first pieces" and "second pieces" are referring to. Examiner requests clarification of these phrases.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 3 and 7—9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ong et al. (US 7,130,263).

Regarding claims 1 and 7, Ong teaches a transmission apparatus used for forming a ring network that supports a bidirectional ring switching capability (*Fig. 5*), the transmission apparatus comprising: a detecting part (*Fig. 6A, protection handler 665, located within each node*) for detecting a ring switching request from a received signal including identifiers of transmission apparatuses between which a failure occurs (*col. 12, lines 49-55; identifiers of transmission apparatus: col. 10, lines 19-31*), wherein the ring switching request is sent from one of the transmission apparatuses that detects the failure (*col. 9, lines 32-37*), and at least one of the transmission apparatuses performs line switching after receiving the ring switching request that goes around the ring network (*col. 9, lines 32-37*); an obtaining part (*protection group manager 630A*) obtaining an identifier from the ring switching request (*col. 10, lines 25-28, source and destination node information; further described in col. 12, lines 1-9*), and concatenation setting information corresponding to the identifier from a concatenation setting

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information table that includes concatenation settings information for each identifier of transmission apparatuses forming the network (*Table 1; col. 9, lines 58 to col. 10, lines 25; also described in col. 7, lines 33-40*); and a setting part (traffic handler 670) making a concatenation setting for a protection line according to the concatenation setting information (*col. 12, lines 54-63*).

Regarding claims 2 and 8, Ong teaches the transmission apparatus as claimed in claims 1 and 7, further comprising: a storing part (*protection units 650*) storing the concatenation setting information table (*Table 1; col. 12, lines 28-34*).

Regarding claims 3 and 9, Ong teaches the transmission apparatus as claimed in claims 1 and 7, wherein the obtaining part obtains the concatenation setting information from information received from another transmission apparatus (*col. 12, lines 22-25; col. 10, lines 25-28*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 4 – 6 and 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ong et al. (US 7,130,263) as applied to claims 1 and 7 above, and further in view of Gullicksen et al. (US 2004/0190461 A1).

Regarding claims 4 and 10, Ong teaches the transmission apparatus as claimed in claims 2 and 8, the transmission apparatus further comprising: a detecting part detecting a concatenation setting in the transmission apparatus (*col. 12, lines 49-63*).

Ong fails to explicitly teach a sending part adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus.

However, Gullicksen teaches a sending part adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus (page 4-5, paragraphs 46-47).

In view of this, it would have been obvious to one skilled in the art to modify Ong's system with Gullicksen's teaching of adding the identifier to concatenation setting

information and sending this information, for the purpose of notifying other apparatuses of the updated information.

Regarding claims 5 and 11, Ong teaches the transmission apparatus as claimed in claims 4 and 10, but fails to explicitly disclose wherein, when the respective identifier is changed, the sending part adds the changed identifier to the concatenation setting information and sends the concatenation setting information with the changed identifier to another transmission apparatus.

However, Gullicksen discloses wherein, when the respective identifier is changed, the sending part adds the changed identifier to the concatenation setting information and sends the concatenation setting information with the changed identifier to another transmission apparatus (page 4-5, paragraphs 46-47).

In view of this, it would have been obvious to one skilled in the art to modify Ong's system with Gullicksen's teaching of adding the identifier to concatenation setting information and sending this information, for the purpose of notifying other apparatuses of the updated information.

Regarding claims 6 and 12, Ong teaches the transmission apparatus as claimed in claims 4 and 10, but fails to explicitly disclose the transmission apparatus further comprising: a part adding the respective identifier to first pieces of concatenation setting information stored in the storing part and sending the first pieces of concatenation setting information with the respective identifier to another transmission apparatus in response to receiving a predetermined command; and a part receiving second pieces of concatenation setting information from another transmission apparatus, writing

respective concatenation setting information into the received second pieces of concatenation setting information, and sending the second pieces of concatenation setting information to another transmission apparatus.

However, Gullicksen teaches a part adding the respective identifier to first pieces of concatenation setting information stored in the storing part (Fig. 4B; connections/topology tables) and sending the first pieces of concatenation setting information with the respective identifier to another transmission apparatus in response to receiving a predetermined command (configuration 455; page 4, paragraph 46); and a part receiving second pieces of concatenation setting information from another transmission apparatus, writing respective concatenation setting information into the received second pieces of concatenation setting information (page 4-5, paragraph 46-47), and sending the second pieces of concatenation setting information to another transmission apparatus (page 4-5, paragraphs 46-47).

In view of this, it would have been obvious to one skilled in the art to modify Ong's system, by adding the identifier of concatenation setting information and sending and receiving first and second pieces of concatenation setting information, as taught by Gullicksen, in order to notify other apparatuses of the updated information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RHONDA MURPHY whose telephone number is

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(571)272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
Art Unit 2616

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2616